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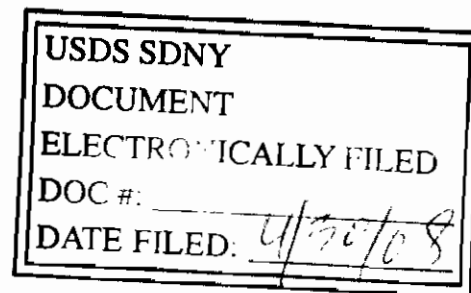
U.S. DISTRICT COURT
S.D.N.Y.

April 28, 2008

Via Facsimile

Hon. Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Pritchett v. City of New York,
07 CV 3169 (HB)



Dear Judge Baer:

We represent plaintiff Charles Pritchett in the above action and write in response to the Court's endorsement of defendant's letter of April 25, 2008, concerning defendant James Rogers. While plaintiff is no longer pursuing a default judgment against James Rogers, we are not consenting to the dismissal of the action against him at this time. We are, however, not presently intending to obtain a default judgment. Rather, we will wait to see if further discovery and deposition testimony provide further evidence as to James Rogers' involvement.

In short, one of the defendants expressly identified James Rogers by shield number as one of many NYPD participants in plaintiff's arrest. Another officer, Robert Rogers, now states (and defendants' belated discovery production confirms) that he too was there and the City seeks to answer on his behalf. However, none of defendants' discovery production indicates that James Rogers was not present, as defendant Candrea has sworn he was.

Therefore, until such time, plaintiff asks that (a) no party be dismissed from the action, and (b) he be permitted to amend his complaint to add Robert Rogers as a defendant.

Thank you for your attention and consideration in this matter.

Respectfully submitted,

Michael B. Lumer (ML-1947)

cc: Joyce Campbell Priesterre, A.D.A. (by facsimile)

Harold Baer, Jr.
Date: 4/29/08

- 1) Mr. Lumer - Suit yourself.
- 2) The City may interpose an answer preferably consolidated with the answer of other police officer defendants unless you have a good reason for not doing so and explain it to me promptly. Keep in mind discovery cut off 6/30/08.